

**Legal Update**  
**Andrew Tauriainen**  
**January 25, 2018**

**WaterFix Litigation**

The 18 EIR lawsuits have been coordinated to Sacramento County Superior Court, where they are awaiting assignment to a trial judge. [JCCP 4942.] The parties are likely to begin briefing the merits in the coming months, with a court hearing perhaps later this year.

The DWR WaterFix validation action is still in the preliminary stages, with the parties arguing demurrers and motions to strike portions of various pleadings. The court will likely hear the merits later this year.

The two federal lawsuits challenging the Biological Opinions have been moved to the Eastern District, before Judge O'Neill. The Department of Water Resources, Metropolitan Water District, and the State Water Contractors have intervened as defendants. The parties will bring motions for summary judgement later this year, with the court likely to rule late this year or early next year.

**Oroville Dam Litigation**

The City of Oroville has filed a lawsuit in Butte County seeking unspecified damages and costs associated with the Oroville Dam spillway incident of February, 2017. Allegations include dangerous condition of public property, private nuisance, public nuisance, and negligent use or maintenance of the Dam, all causing harm and damages to the City. It is our understanding that the State of California has denied claims by other parties for damages related to the incident, so additional lawsuits may be filed in the near future.

The Legal Unit will continue to monitor these cases and report back as necessary.